

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

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THIS DOCUMENT RELATES TO:

17-cv-04891 (*Edwards v. 3M Co., et al.*)  
17-cv-05277 (*Billings v. 3M Co., et al.*)  
17-cv-05270 (*Johnston v. 3M Co., et al.*)  
17-cv-04517 (*Henderson v. 3M Co., et al.*)  
18-cv-01738 (*McClain v. 3M Co., et al.*)

**DECLARATION OF DANIEL C. BURKE IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

I, Daniel C. Burke, declare as follows:

1. I am an attorney at Bernstein Liebhard LLP, counsel of record for Plaintiffs in the above-captioned matters.
2. I submit this declaration in opposition to Defendants’ Motion to Dismiss for Failure to Comply with the Pretrial Order No. 14.
3. The undersigned diligently initiated efforts to contact Plaintiffs to cure the alleged core deficiencies and serve fact sheets.
4. Updated verifications were submitted with regards to Plaintiffs Edwards, Billings and Johnston.

5. Plaintiff Henderson submitted a cured PFS and defendants have agreed to withdraw their motion as to her claim.
6. Plaintiff McClain's case has since been dismissed rendering Defendants' motion moot as to his claim.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

DATED: December 13, 2018

/s/ Daniel C. Burke  
Daniel C. Burke

**CERTIFICATE OF SERVICE**

I hereby that on December 13, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

**BERNSTEIN LIEBHARD LLP**

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